

MAMTA SHARMA
V/S
PAWAN SHARMA

Present: Mr. Sahil Soi, Advocate
for the applicant/respondent.

Mr. Raj Pat Rai Sharma, Advocate
for non-applicant/petitioner.

The present application has been filed for review of the order dated 09.08.2022, passed by this Court, whereby the transfer application i.e. TA-138-2021 filed at the instance of the wife, Mamta Sharma, for seeking transfer of the divorce petition, filed at the instance of husband, Pawan Sharma, was allowed.

It is submitted by learned counsel for the applicant/respondent that he did not file the reply in the transfer application and, therefore, an opportunity of hearing should be given to him.

Perusal of the order dated 09.08.2022 reveals that learned counsel has made appearance on behalf of the respondent/husband and the order was passed in the presence of the counsel of both the sides and therefore, it could not be concluded that no opportunity of hearing, was given to the applicant/respondent.

Furthermore, learned counsel for non-applicant/wife, has also brought to the notice of the court that petition under Section 13 of Hindu Marriage Act, filed at the instance of the husband, has since been dismissed in default and it has not been restored, as yet.

Learned counsel for the applicant/respondent submits that the application for restoration of the same has been filed. Be that as it may. However, the petition under Section 13 of Hindu Marriage Act, is still not restored, therefore, no order as such, relating to the transfer or non-transfer of the petition, can be

passed by this Court.

In the given circumstances, the review application, as such, is not maintainable, at this stage. Hence, the same is hereby dismissed.

However, liberty is granted to the applicant/respondent, to file the fresh application, if need be, as and when the petition is restored by the court below.

(ARCHANA PURI)
JUDGE

04.09.2024
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